

Introduced by Senator Cox

February 22, 2005

An act to amend Section 13207 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 775, as introduced, Cox. California regional water quality control board members: conflicts of interest.

Existing law, the Porter-Cologne Water Quality Control Act, prohibits a member of a California regional water quality control board from participating in certain board actions that involve that member or any waste discharger with which that board member is connected as a director, officer, or employee, or in which that board member has a financial interest, as defined by the Political Reform Act.

This bill would authorize a board member to participate in those specified board actions if the actions are applicable on a region-wide basis, are not decisions in which the board member has a financial interest, and are not actions required to be undertaken pursuant to the Clean Water Act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 13207 of the Water Code is amended to
- 2 read:
- 3 13207. (a) ~~No~~ (1) *Subject to paragraph (2), no* member of a
- 4 regional board shall participate in any board action pursuant to
- 5 Article 4 (commencing with Section 13260) of ~~Chapter 4~~ *this*

1 *chapter, or Article 1 (commencing with Section 13300) of*
2 *Chapter 5, ~~of this division which~~ that involves himself or herself*
3 *or any waste discharger with which he or she is connected as a*
4 *director, officer or employee, or in which he or she has a*
5 *financial interest in the decision within the meaning of Section*
6 *87103 of the Government Code.*

7 *(2) Notwithstanding any other provision of law, a member of a*
8 *regional board may participate in a board action described in*
9 *paragraph (1) if all of the following requirements are met:*

10 *(A) The action applies on a region-wide basis.*

11 *(B) The action is not a decision in which the board member*
12 *has a financial interest within the meaning of Section 87103 of*
13 *the Government Code.*

14 *(C) The action is not taken pursuant to Chapter 5.5*
15 *(commencing with Section 13370).*

16 *(3) This subdivision does not affect Section 13388.*

17 *(b) No board member shall participate in any proceeding*
18 *before any regional board or the state board as a consultant or in*
19 *any other capacity on behalf of any waste discharger.*

20 *(c) Upon the request of any person, or on the Attorney*
21 *General's own initiative, the Attorney General may file a*
22 *complaint in the superior court for the county in which the*
23 *regional board has its principal office alleging that a board*
24 *member has knowingly violated this section and the facts upon*
25 *which the allegation is based and asking that the member be*
26 *removed from office. Further proceedings shall be in accordance*
27 *as near as may be with rules governing civil actions. If after trial*
28 *the court finds that the board member has knowingly violated*
29 *this section it shall pronounce judgment that the member be*
30 *removed from office.*